

REMARKS

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Office Action dated December 27, 2004 (U.S. Patent Office Paper No. 1204). In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

Restriction Requirement

In response to the Examiner's restriction requirement set forth in the previous Office Action, Applicant elected the continued prosecution of the invention identified as Species I (Embodiment 1), set forth in claims 1 - 8, 11, 12, 15 - 18 and 20, without traverse. Applicant understands that the non-elected Species 2 - 4 as recited in claims 9, 10, 13, 14 and 19 were withdrawn from further consideration in this application, pending the allowability of a generic claim. It is further understood that if a generic claim is allowed, all the non-elected species and their corresponding claims would be brought back in and considered in this application. Applicant hereby reserves the right to file divisional applications on the non-elected inventions.

Status of the Claims

As outlined above, Claims 1 through 20 are currently pending in this application, wherein Claims 9, 10, 13, 14 and 19 have been previously withdrawn from further consideration pending the allowability of a generic claim. Claim 8 has been cancelled without prejudice or disclaimer. Also, Claims 1, 11, 15 and 18 are being amended to correct formal errors and to more particularly point out and distinctly claim the subject invention.

Formal Objection

Claim 15 was objected to in relation to the use of a "metal carbide film" and a "metal nitride film". In response, contrary to the Examiner's assumption, "metal nitride film" has been amended to "metal carbide film". Withdrawal of the objection to Claim 15 is respectfully requested.

Prior Art Rejections

Claims 1, 2, 3, 11, 12, 15, 16 and 18 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,323,519 to Gardner et al., hereinafter the Gardner '519 patent, in view of U.S. Patent No. 6,686,277 to Tai, hereinafter the Tai '277 patent.

Claim 4 was rejected under 35 U.S.C. § 103(a) over the Gardner '519 patent and the Tai '277 patent, as applied to Claim 1, and further in view of U.S. Patent No. 6,262,445 to Swanson et al., hereinafter the Swanson '445 patent.

Claims 5 through 7 were rejected under 35 U.S.C. § 103(a) over the Gardner '519 patent and the Tai '277 patent, as applied to Claim 1, and further in view of U.S. Patent No. 6,518,636 to Segawa et al., hereinafter the Segawa '636 patent.

Claim 17 was rejected under 35 U.S.C. § 103(a) over the Gardner '519 patent and the Tai '277 patent, as applied to Claim 1, and further in view of U.S. Patent No. 6,306,698 to Wieczorek et al., hereinafter the Wieczorek '698 patent.

Claim 20 was rejected under 35 U.S.C. § 103(a) over the Gardner '519 patent and the Tai '277 patent, as applied to Claim 1, and further in view of U.S. Patent No. 6,514,808 to Samavedam et al., hereinafter the Samavedam '808 patent.

In response to the above rejections of Claims 1 through 7, 11, 12, 15 through 18 and 20, the Office Action stated that Claim 8 was objected to as being dependent upon a rejected base claim, but would be allowable in rewritten in independent form including the recitations of the base claim and any intervening claims (U.S. Patent Office Paper No. 1204, page 9). Further, in response, independent Claim 1 has been amended to substantially include the recitations of Claim 8 and independent Claim 18 has also been amended to substantially include the recitations of Claim 8. Also, dependent Claim 8 has been cancelled without prejudice or disclaimer. Therefore, it is respectfully submitted that Claims 1 and 18 are in condition for allowance, and dependent Claims 2 through 7, 11, 12, 15 through 17, and 20, which respectively ultimately depend from Claim 1, are also in condition for allowance.

Withdrawal of the rejections of Claims 1 through 7, 11, 12, 15 through 18 and 20 under 35 U.S.C. § 103(a) is respectfully requested.

Reconsideration and allowance of Claims 1 through 7, 11, 12, 15 through 18 and 20, and consideration of withdrawn Claims 9, 10, 13, 14, and 19, are respectfully requested.

Conclusion

In view of all the above, Applicant respectfully submits that certain clear and distinct differences as discussed exist between the present invention as now claimed and the prior art references upon which the rejections in the Office Action rely. These differences are more than sufficient that the present invention as now claimed would not have been anticipated nor rendered obvious given the prior art. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicant's undersigned representative at the address and phone number indicated below.

Respectfully submitted,

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June 27, 2005
SPF/JCM/JB